GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

STARRED QUESTION NO:218
ANSWERED ON:01.08.2016
Safety/Security of Workers in Night Shifts
Singh Shri Brijbhushan Sharan

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a)the details and current status of Model Shops and Establishments (Regulation of Employment and Conditions of Services) Act, 2015;
(b)whether the Government has permitted 24 hours working for Malls, restaurants and other such workplaces in the country and if so, the details thereof;
(c)whether adequate steps/necessary precautions have been taken by the Government to ensure law and order after the implementation of the said proposal and if so, the details thereof;
(d)whether the Government is aware of various challenges especially safety and security of workers including women working in night shifts likely to crop up as a result of the said proposal; and
(e)if so, the details thereof along with the remedial steps taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI BANDARU DATTATREYA)

(a) to (e): A Statement is laid on the Table of the House.
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STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 218 FOR 01.08.2016 BY SHRI BRIJBHUSHAN SHARAN SINGH REGARDING SAFETY/SECURITY OF WORKERS IN NIGHT SHIFTS.
(a): The Government have framed the "Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill 2016" and it has been circulated to all states for adopting the same as it is or modifying their existing State Shops and Establishment Act as per their requirement.

(b): The Model Bill provides for a shop or an establishment to work more than one shift and on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest. The Model Bill also provides that no adult worker shall be required or allowed to work in a shop or establishment for more than forty-eight hours in any week and nine hours in a day and no worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour.

(c): The Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill 2016 is a suggestive piece of legislation and the enactment of the Model Bill may be considered by States either by adopting the same or making necessary modification to suit their requirement including provisions for adequate precautions for law and order issues.

(d) & (e): The Model Bill empowers State Governments to make rules regarding adequate measures to be taken by the employer for the safety and health of workers. The Bill provides that no women shall be required or allowed to work in a shop or establishment except between 6 am and 9 pm. provided where the State Government is satisfied that the provisions of shelter, rest room, night creche, ladies toilet, adequate protection of their dignity, honour and safety, protection from sexual harassment, and their transportation exist, it may, after obtaining the consent of the woman worker, allow women to work between 9p.m. and 6a.m.

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